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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1545/2016, CM No.6642/2016

R.K. GROVER Petitioner

Through: Mr. Sourabh Ahuja, Adv.

versus

GNCT OF DELHI & ORS Respondents

Through: Mr. Anil Soni with
Mr. Naginder Benipal, Advs. for AICTE.
Mr. Devesh Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **21.03.2016**

The petitioner was appointed as Lab Technician (MLT) (Medical Laboratory Technology) on 25.4.1975. The said post was a non-engineering discipline. The petitioner retired from the said post on 31st October, 2014.

2. A few months before the retirement in July, 2014, the petitioner filed OA No.2311/2014 claiming that in terms of the Madan Committee Report and on account of his obtaining the B.Sc. MLT degree in the year 1992, he should be treated as a lecturer and consequently he would retire on 31.10.2019 on attaining the age of 65 years.

3 The said prayer, in our opinion, has rightly been rejected by the

impugned order dated 9th December 2015 on the ground of limitation and delay, and other reasons. The petitioner does not have the requisite qualifications for appointment to the post of lecturer, i.e. M.Sc. MLT, as per the RRs enforced w.e.f. 1.1.1996. It is these RRs which were applicable and in force when the OA was filed. Moreover, Madan Committee Report had only granted a one-time relaxation. It is disputed whether the one-time relaxation or recommendations of the Madan Committee were at all applicable to the post of Lab Technician.

4. Impugned order of the Tribunal also disposed of miscellaneous application MA No.3140/2015 with the direction that the petitioner could retain the government flat allotted to him till 31.3.2016. The said order did not fix the license fee or user and occupation charges. As recorded in the order dated 26th February, 2016, the respondents are claiming user and occupation charges @ Rs.27, 000/- per month, whereas the petitioner's pension is Rs.25, 000/- per month.

5. Counsel for the respondents had submitted that for the first eight months, the petitioner has been charged use and occupation charges as per OM dated 31st July, 2013 on the cascading scale as prescribed. Counsel for the petitioner does not dispute this amount and states that the amount as claimed would be paid, if not, already paid. The dispute is for the period between 1st July, 2015 and 31st March, 2016.

6. To resolve the matter and prevent further litigation, we had asked the counsel for the petitioner to take instructions from the petitioner, who is present in the Court. Counsel for the petitioner, on

instructions, has fairly stated that the petitioner would pay Rs.15,000/- per month as use and occupation charges for the period from 1st July, 2015 till 31st March, 2016. The respondents have not initiated any action for recovery of said arrears, or filed proceedings under the Public Premises (Eviction of Unauthorized Occupant) Act, 1971. Retirement dues have already been paid to the petitioner.

7. We accept the request of the petitioner, and it is directed that the petitioner will pay Rs.15,000/- per month as use and occupation charges from 1st July, 2015 till 31st March, 2016. This direction has been passed in the peculiar facts and circumstances of the case and to avoid and curtail any further proceedings and litigation. We note that the petitioner has already retired and pensionary and retiral dues have been paid to him. The petitioner submits that he wants to end all litigation. The arrears will be deducted @ 50% from the monthly pension payable to the petitioner till the full amount is paid/adjusted. This is subject to the condition that the petitioner would vacate the official flat on 31st March, 2016 and would not ask for extension of time.

8. The writ petition is disposed off. No costs.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MARCH 21, 2016/ak